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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,772	06/27/2007	Serge Jose Do Camo	0546-1165	1326

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YOUNG & THOMPSON
209 Madison Street
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Alexandria, VA 22314

EXAMINER

CHIBOGU, CHIEDU A

ART UNIT	PAPER NUMBER
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3632

NOTIFICATION DATE	DELIVERY MODE
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07/18/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/596,772	Applicant(s) DO CAMO, SERGE JOSE	
	Examiner CHIEDU CHIBOGU	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-34 is/are pending in the application.
- 4a) Of the above claim(s) 31-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-30 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/31/2011 has been entered. *Claims 1-22, have been cancelled by Applicant. New claim(s) 23-34, have been entered.*

2. Newly submitted claims 31-33 are directed to an invention that is independent or distinct from the invention originally claimed. Since applicant has received an action on the merits for the originally presented invention of Species 1, directed to figures 1-10, as a result of the election made by applicant in the reply filed 04/20/2010, this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, claims 31-33 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Accordingly an Office Action on claims 23-30 and 34 hereby follows.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 23, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 23 recites the limitation "wherein said at least two elastic means are in a plane different from a plane of the panel and are arranged so that when the fluid exerts thrust on the panel, at least one said at least two elastic means undergoes a compression and at least one said at least two elastic means undergoes an extension ***in order to maintain an initial position of the panel.***" in line 17-23. It is unclear how the panel will maintain its "**initial position**" when at least one the at least two elastic means undergoes compression and at least one the at least two elastic means undergoes an extension. It appears that the compression and extension of the corresponding at least two elastic means will actively move the panel away from its initial position. Appropriate correction(s) required.

6. Claim 23 recites the limitation "**at least one said at least two elastic means** undergoes a compression and **at least one said at least two elastic means** undergoes an extension" in lines 20-22. The recitation of "**at least one said at least two elastic means**" in lines 21-22 appears to be a double recitation of the previously recited "**at least one said at least two elastic means**" of line 20, because there is no

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distinction between the recitation of “**at least one said at least two elastic means**” in line 20 or lines 21-22. Appropriate correction(s) required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 23-30 and 34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawes (USP 3392467), in view of Muggli (EP 0415194 A2) and Sarkisian (USP 3646696).

9. Regarding claim 23, Hawes teaches a device for supporting a panel (31) on a base (18) in a substantially vertical position, perpendicular to thrust of a fluid that moves relative to the panel and to the base, the device comprising:

- at least two support arms (wherein each of the at least two support arms are respectively defined by 20 and 32), at least one of the at least two support arms being located on each of opposite sides of the panel (fig. 1);
- at least two elastic means (48), each of the at least two support arms having one end directly linked to the panel (fig. 1, as defined by 20) and an opposite end (fig. 1, as defined by 34); and

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- at least two removable fastening means (36) capable of being repositioned on the base (fig. 1; in view of col. 3, L13-15);
- the at least two elastic means are arranged so that when the fluid exerts thrust on the panel, at least one the at least two elastic means undergoes an extension in order to maintain an initial position of the panel (fig. 1).

Hawes fails to teach:

- the opposite end of each of the at least two support arms being linked to a first end of a respective one of the at least two elastic means;
- in explicit terms that the at least two removable fastening means are repositionable on the base;
- an end of each of the at least two elastic means opposite the first end is attached to a respective one of the at least two removable fastening means;
- the at least two elastic means are in a plane different from a plane of the panel; and
- the at least two elastic means are arranged so that when the fluid exerts thrust on the panel, at least one the at least two elastic means undergoes a compression and at least one the at least two elastic means undergoes an extension.

It is noted that the at least two support arms of Hawes each comprise a pair of the removable fastening means of Hawes (fig. 1).

Muggli support apparatus, comprising:

- at least one support arm (114) comprising a pair of removable fastening means (112);
- an elastic means (115) is coupled between the at least one support arm and the pair of removable fastening means (fig. 6);
- the at least one support arm having one end directly linked to a panel (fig. 6, wherein the panel is defined by) and an opposite end linked to a first end of each elastic means (fig. 6); and
- a second end of each elastic means is linked to a removable fastening means (fig. 6).

It would have been obvious to one having ordinary skill in the art to modify Hawes with Muggli, by providing an elastic means between each removable fastening means of Hawes and the corresponding one of the at least two support arms of Hawes, for the benefit of eliminating the at least two elastic means of Hawes (Hawes 48) to make the invention of Hawes more aerodynamic and aesthetically pleasing, while still maintaining the initial position of the panel of Hawes when the fluid exerts the thrust on the panel of Hawes as modified, via the arrangement of each of the at least two elastic means of Hawes as modified, in combination with the compressive and extending capability of each of the at least two elastic means of Hawes as modified.

It should be noted by Applicant, that it is a very common knowledge within the art that

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via an arrangement of at least two elastic means, in combination with the compressive and extending capability of each of the at least two elastic means a panel will be maintained in an initial position of the panel when a force which can in certain cases be a fluid or non-fluid force is exerted on the panel, ***as made evident by Brecht (USP 5207377, see especially figs. 8 and 9, wherein the panel is defined by 18) and Herrstrom (USP 4737048, see especially figs. 1 and 3, wherein the panel is defined by 12).***

Sarkisian discloses a device for supporting a panel (14 and 28) on a base (12) in a substantially vertical position, perpendicular to thrust of a fluid that moves relative to the panel and to the base, the device comprising:

- at least two support arms (54 and 56), at least one of the at least two support arms being located on each of opposite sides of the panel (fig. 1);
- at least two elastic means (16 and 18), each of the at least two support arms having one end directly linked to the panel and an opposite end linked to a first end of a respective one of the at least two elastic means (fig. 1; in view of fig. 3);
- at least two removable fastening means (50 and 52) repositionable on the base (fig. 1; in view of fig. 3; and further in view of fig. 3', below, via the securing means);
- an end of each of the at least two elastic means opposite the first end is attached to a respective one of the at least two removable fastening means (fig. 1; in view of fig. 3); and

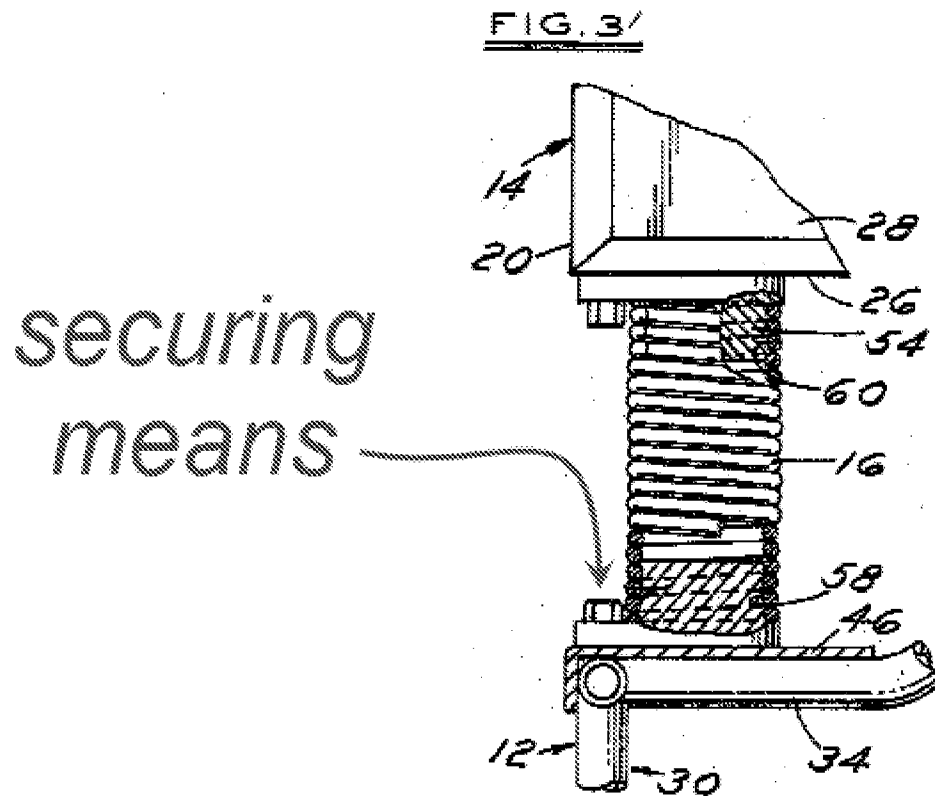
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- the at least two elastic means are in a plane different from a plane of the panel (fig. 1) and are arranged so that when the fluid exerts thrust on the panel, at least one the at least two elastic means undergoes an physical change in order to maintain an initial position of the panel (fig. 2).

It is noted that the at least two elastic means of Hawes as modified are made of rubber (Muggli page 2, paragraph 9, line 3).

It is also noted that the at least two elastic means of Sarkisian are springs (fig. 3) which yield to permit downward deflection of the panel of Sarkisian in either direction along an axis generally parallel to the panel of Sarkisian (fig. 2; in view of SUMMARY OF THE INVENTION).

Accordingly, it would have been obvious to one having ordinary skill in the art to modify Hawes as modified, with Sarkisian, by substituting the of the at least two elastic means of Hawes as modified with springs according to as taught by Sarkisian, for the benefit of increasing the amount of deflection achievable by the panel of Hawes as modified when the fluid exerts the thrust on the panel of Hawes as modified, as a means for relative minimization of the amount of drag on the panel of Hawes as modified while the vehicle of Hawes as modified is in motion.



10. Regarding claim 24, Hawes as modified teaches:
 - at least three the elastic means (Hawes fig. 1; in view of Muggli fig. 6; further in view of Sarkisian fig. 3).
11. Regarding claim 25, Hawes as modified teaches:
 - the at least two elastic means are springs (Sarkisian fig. 3).
12. Regarding claim 26, Hawes as modified teaches:

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- the at least two removable fastening means are magnets (Muggli 112).

13. Regarding claim 27, Hawes as modified teaches:

- the at least two removable fastening means are suction cups (Hawes 36).

14. Regarding claim 28, Hawes as modified teaches:

- the at least two support arms are brackets having a substantially triangular shape (Hawes fig. 1), one side of the substantially triangular shape being arranged to be attached to the panel (Hawes fig. 1).

15. Regarding claim 29, Hawes as modified teaches:

- the at least two support arms are part of a support plate (Hawes fig. 1, as defined by 20, 32, 18, 32 and 20) constituted by the at least two support arms coupled together by the one side that is arranged to be attached to the panel (Hawes fig. 1).

16. Regarding claim 30, Hawes as modified teaches:

- the panel (see the rejection of claim 1, above) is a two-sided display (Hawes fig. 1).

17. Regarding claim 34, Hawes as modified teaches:

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- a location of the base (see the rejection of claim 1, above) is movable (Hawes fig. 1).

Response to Arguments

18. Applicant's arguments with respect to claims 23-30 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIEDU CHIBOGU whose telephone number is (571)270-7019. The examiner can normally be reached on Monday - Friday (08.30am - 5.00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on (571)272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHIEDU A. CHIBOGU/
Examiner, Art Unit 3632

/TERRELL MCKINNON/
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